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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,263	02/27/2002	Tetsuya Onishi	02109/LH	1754

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NEW YORK, NY 10001-7708

EXAMINER
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CONOVER, DAMON M

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/085,263

Applicant(s)

ONISHI ET AL.

Examiner

Damon Conover

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5 July 2006 has been entered.

### ***Response to Amendment***

2. The amendment filed 5 July 2006 has been entered and made of record.
3. The examiner has acknowledged receipt of the certified priority documents in this office action.

### ***Response to Arguments***

4. The applicant has canceled claims 1-9 and 12-14; therefore the rejection of claims 1-9 and 12-14 has been withdrawn.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "the character information" in line 9 of the claim. There is insufficient antecedent basis for this limitation in the claim. It is unclear whether "the character information" refers to "the inputted new character information data" or "a character information data". The examiner has assumed that it refers to "a character information data", where "a character information data" is the character information stored in the database.

Claim 18 recites the limitations "the character information data" and "the specific character information data" in lines 3-4 of the claim. It is unclear which of these limitations refer to the "the inputted new character information" and which refers to the character information stored in the database. The examiner has assumed that "the character information data" refers to "the inputted new character information" and "the specific character information data" refers to the character information stored in the database.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara (Japanese Patent Publication 09-265481) in view of Moed et al. (U.S. Patent 5,770,841).

**With respect to claim 15**, Hara discloses a method and device for storing medical image information in relation to identification information corresponding to the image information (abstract). Hara describes that medical images are acquired by image information systems, such as CT scanners, MRI equipment, and computed radiography equipment (paragraph 28). Hara shows in Figure 3 that identification information, such as patient's ID number, is included in the acquired medical image (paragraph 32). The device includes an ID field extract means to extract the portion of the image recognized as the identification information, a character recognition means to retrieve the alphanumeric data from the identification portion of the image, and a record means (information memorizing means) to record the identification information with the corresponding medical image data (paragraph 26).

Hara does not describe comparing or operating sections for correcting the identification information.

Moed et al. disclose a system for automatically reading and decoding package information (column 1, lines 7-9). Moed et al. describe that the system captures an image of the package and extracts the address (ID data) using optical character recognition (OCR). The system attempts to validate that the OCR data (inputted ID data) by checking the address against a database of valid addresses (specific character information data) (comparing section). If the address is invalid, an image of the address is displayed on an image workstation, and an operator enters the correct address (operating section) (column 2, lines 38-44 and column 10, lines 14-24).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the step of correcting the extracted identification data, as taught by Moed et al., in the medical image data filing device of Hara, in order to correct any mistakes made by the image information system technicians when they are entering the patients identification information.

**With respect to claim 16**, as discussed above, Hara discloses a method and device for storing medical image information in relation to identification information corresponding to the image information (abstract). Hara describes that medical images are acquired by image information systems, such as CT scanners, MRI equipment, and computed radiography equipment (paragraph 28). Hara shows in Figure 3 that identification information, such as patient's ID number (character image data), is included in the acquired medical image (paragraph 32). Hara describes that the system includes a character recognition means to retrieve the alphanumeric data from the identification portion of the image (paragraph 26).

**With respect to claim 17**, as discussed above, Hara discloses a method and device for storing medical image information in relation to identification information corresponding to the image information (abstract). Hara describes that the identification information is stored in a database (character information database) with the corresponding medical image data. The identification information is designated as retrieval data, so that the medical image data can be searched based on the inputted identification information (character information search section). The character information associated with the desired medical images is determined based on the

Art Unit: 2624

comparison between the inputted identification information and the identification information stored in the database (comparing and determining sections) (paragraphs 26 and 28 and Figure 5).

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hara and Moed et al. as applied to claims 15-17 above, and further in view of Ortega et al. (4,632,252).

As discussed above, Hara discloses a method and device for storing medical image information in relation to identification information corresponding to the image information (abstract). Hara describes that medical images are acquired by image information systems, such as CT scanners, MRI equipment, and computed radiography equipment (paragraph 28). Hara shows in Figure 3 that identification information, such as patient's ID number, is included in the acquired medical image (paragraph 32). The device includes an ID field extract means to extract the portion of the image recognized as the identification information, a character recognition means to retrieve the alphanumeric data from the identification portion of the image, and a record means (information memorizing means) to record the identification information with the corresponding medical image data. The identification information is stored in a database with the corresponding medical image data. The identification information is designated as retrieval data, so that the medical image data can be searched based on the inputted identification information (character information search section) (paragraphs 26). As discussed above, Moed et al. disclose a system for automatically reading and decoding package information (column 1, lines 7-9). Moed et al. describe that the system

captures an image of the package and extracts the address (ID data) to verify that it is valid (column 2, lines 38-44).

Neither Hara, nor Moed et al. describe that the operating sections corrects the inputted identification information before conducting the search.

Ortega et al. disclose a system and method for correcting misspelled terms within search queries using a database of correlation data that indicates correlations between search terms (column 1, lines 63-66). The method is invoked when a search query is submitted. The correlation database is used to generate a list of related terms to the search query. The user is then prompted to select the appropriate replacement term from the list. Once the modified query is selected, it is used to perform the search (column 2, lines 8-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to correct the search query, as taught by Ortega et al., using the identification information from the database described in the medical image data filing device of Hara and Moed et al., in order to preemptively correct any mistakes in the search string when retrieving medical images for a specific patient (Ortega et al., column 2, lines 8-30).

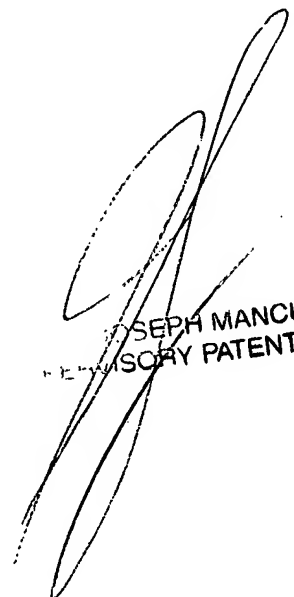
### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Damon Conover whose telephone number is (571) 272-5448. The examiner can normally be reached Monday – Friday, 8:00 a.m. - 5:00 p.m.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso, can be reached at (571) 272-7695. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JOSEPH MANCUSO  
SUPERVISORY PATENT EXAMINER